**Civil Contempt Petition No.292 of 2005**

**Hon. P.C. Pant, J.**

This is contempt petition, complaining disobedience of the court's order dated 21.05.2002, passed in writ petition No. 470 of 2002 (S/B).

The operative portion of the order complained, reads as under:-

*"Meanwhile, it is provided that since the petitioners are working with the respondents for more than ten years, therefore, they shall be paid minimum of pay scale if the post is available."*

In the counter affidavit, filed by the respondent, it is stated that no post is available in Kumaon Mandal Vikas Nigam, as such it is not possible to pay minimum pay scale.

This court, in the contempt jurisdiction, cannot direct the respondent to do what has not been directed by the court concerned, which passed the order complained.

In the above circumstances, since the respondent has stated on oath that no post is available, it cannot be said that there is wilful disobedience on the part of the respondent.

Therefore, the contempt petition is dismissed. Notices issued are discharged.

Dt. 07.03.2006 (P.C. Pant, J.)

Sweta